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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,351	07/17/2003	Masaki Katoh	R2184.0097/P097-B	8926
24998	7590	09/01/2004	EXAMINER	
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP 2101 L STREET NW WASHINGTON, DC 20037-1526			PATEL, GAUTAM	
			ART UNIT	PAPER NUMBER
			2655	
DATE MAILED: 09/01/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/620,351	KATOH ET AL.	
	Examiner	Art Unit	
	Gautam R. Patel	2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 10-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/793,131.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) * | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1,2,3</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. Claims 10-18 are pending for the examination. Claims 1-9 were canceled.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. § 119(a)-(d), in parent application 09/793,131 which papers have been placed of record in the file.

Claim Rejections - 35 U.S.C. § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10-11, 13-16 and 18 are rejected under 35 U.S.C. § 102(b) as being anticipated by Akihiro, JAP. publication 08-185631.

As to claim 10, Akihiro discloses the invention as claimed [see Figs. 1-9, especially 1-2] an optical pickup including cvxbnd and bbvc, comprising:

a detection part detecting [fig. 1, units 3 & 4] as to whether or not an inconsecutive portion of addresses occurs in the optical information recording medium based on a signal detected via said optical pickup [para. 20-22]; and

a correction part correcting address [fig. 1, units 3-4 and 6] in the inconsecutive portion in case the inconsecutive portion is detected by said detection part [para. 20-22].

4. The aforementioned claim 11, recites the following elements, inter alia, disclosed in Akihiro:

said correction part performs the address correction by skipping addresses [track jump] for the inconsecutive portion [para. 18-22].



5. The aforementioned claim 13, recites the following elements, inter alia, disclosed in Akihiro:

in case said detection part determines that the address inconsecutive portion occurs, said correction part performs address correction in use of address information concerning the inconsecutive portion which is previously obtained [para. 23-27].

6. The aforementioned claim 14, recites the following elements, inter alia, disclosed in Akihiro:

a read signal processing part [fig. 1, unit 3] performing extraction of an address signal from a signal read via the optical pickup;

an address demodulation part [fig. 1, unit 3, decoding is done by this unit] performs demodulation of the address signal obtained from said read signal processing part;

a detection part detecting [fig. 1, units 3 & 4] as to whether or not an inconsecutive portion of addresses occurs in the optical information recording medium based on an output of said address demodulation part; and

a correction unit [fig. 1, units 3 & 4] correcting address in the inconsecutive portion in case the inconsecutive portion is detected by said detection part [para.18-22].

7. As to claims 15-16 and 18, they are method claims corresponding to claims 10-11 and 13 respectively and they are therefore rejected for the same reasons set forth in the rejection of claims 10-11 and 13 respectively, supra.

Claim Rejections - 35 U.S.C. § 103

8. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 12 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Akihiro as applied to claims 10-11, 13-16 and 18 above in view of Usui et al., US. patent 6,160,779 (hereafter Usui).

As to claim 12, Akihiro discloses all of the above elements, including detecting and correcting inconsecutive portion of the addresses. Akihiro does not specifically disclose that address correction performed in a time of trial writing processing for setting a power of light which is emitted from said optical pickup at a time of recording information.

However, ALPC is well known in the art. Also, Usui clearly discloses adjusting power during calibration and addresses are adjusted during this process by laser power controller 118 [col. 6, line 48 to col. 7, line 25].

Both Akihiro and Usui are interested in improving the recording mechanism and data layout in an optical disk device. Both show address arrangement.

One of ordinary skill in the art at the time of invention would have realized reliability of the data recording is good feature to have for higher system performance.

Therefore, it would have been obvious to have used address correction performed during trail write for setting power in the system of Akihiro as taught by Usui because one would be motivated to increase reliability of data recording at proper address [ID] [col. 4, lines 16-29].

10. As to claims 17, it is a method claims corresponding to claim 12 and it is therefore rejected for the same reasons set forth in the rejection of claim 12, supra.

Other prior art cited

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Ichikawa et al. (US. Patent 6,301,211) "Information recording ..".
- b. Yoshimoto et al. (US. patent 6,151,292) "Optical disk ..".

Art Unit: 2655

Contact Information

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gautam R. Patel whose telephone number is (703) 308-7940. The examiner can normally be reached on Monday through Thursday from 7:30 to 6.


The appropriate fax number for the organization (Group 2650) where this application or proceeding is assigned is (703) 872-9314.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Doris To can be reached on (703) 305-4827.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-4700 or the group Customer Service section whose telephone number is (703) 306-0377.

Gautam R. Patel
Primary Examiner
Group Art Unit 2655

August, 2004


**GAUTAM R. PATEL
PRIMARY EXAMINER**